

REMARKS

The Office Action dated February 27, 2007, has been carefully reviewed and the foregoing remarks are made in response thereto. In view of the following remarks, Applicants respectfully request reconsideration and allowance of the claims.

Claims 26-35 and 38 were rejected for obviousness-type double patenting over claim 22 of US Patent 6,852,488. In addition, claims 26-55 were rejected for obviousness-type double patenting over claims 1-53 of US Patent 6,440,667, and also claims 1-25 of US 6,544,739. According to the Office Action, each of the cited claims of each of the cited patents falls entirely within the scope of the rejected claims, or in other words, the rejected claims are anticipated by the cited claims. Applicants respectfully traverse the rejections.

The claims of the instant application were amended after the double patenting rejections were originally made to clarify that the recited probe nucleic acids are between 25 and 100 nucleotides in length. None of the claims cited in the obviousness-type double patenting rejections contain this length limitation. Therefore, none of these cited claims anticipates the claims of the instant application as amended, and the claims of the instant application do not completely encompass any of the cited claims. Accordingly, withdrawal of the obviousness-type double patenting rejections is respectfully requested.

Conclusion

The foregoing remarks are being made to place the application in condition for allowance. Applicant respectfully requests entry of the remarks, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, they are invited to telephone the undersigned at their convenience.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1283. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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